

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

Claims 1 and 2 are currently being amended.

No claims are currently being added.

Claim 13 is currently being canceled.

This amendment and reply amends and cancels claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending and canceling the claims as set forth above, claims 1-3 are pending in this application for examination on the merits.

Claim Rejections – Written Description:

In the Office Action, claim 1 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement, and claim 13 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Due to the amendments made to claim 1 so as to remove the language that was the basis for this rejection, and due to the cancellation of claim 13, this rejection is now moot.

Claim Rejections – Prior Art:

In the Office Action, claims 1-3 and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Laid-Open Patent Application JP 2001-320120 to Nidou et al.; and claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 2003-258382 to Kawakami et al.

Presently pending independent claim 1 now recites, among other things:

wherein the laminated layers are trapezoid-shaped layers in cross-section that are stacked on top of one another such that each one of the laminated layers is positioned entirely above an adjacently-positioned lower one of the laminated layers and said each one

of the laminated layers is positioned entirely below an adjacently-positioned upper one of the laminated layers.

See, for example, the disposition of layers 502, 503, 504, 505, 507 and 507 as shown in Figure 1 of the drawings. Such a disposition of laminated layers does not exist in the structure of Nidou et al., whereby its' layers have top portions and lower leg portions that do not meet the specific requirements set forth above in claim 1, since a lower part of the leg portions of layer 69 in Figure 6 of Nidou et al. is provided below a top portion of a layer 68 that is provided below the layer 69.

Accordingly, presently pending independent claim 1 is not anticipated by Nidou et al.

Furthermore, with respect to dependent claim 2, that claim now recites, among other things:

wherein the outermost side surfaces of the laminated layers are inclined at an angle of about 60 degrees with respect to an upper surface of GaN-based semiconductor substrate that is in contact with a lowest-positioned one of the laminated layers.

See, for example, page 16, lines 19-21 of the specification. Nidou et al. appears to disclose about a 30 degree inclination of its laminated layers with respect to a substrate surface, which does not meet the specific inclination angle features recited in claim 3.

Accordingly, presently pending dependent claim 2 is not anticipated by Nidou et al. for these additional reasons, beyond the reasons given above for its base claim 1.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicants believe that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to

charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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